

Residential Tenancies Board

Determination Order

Ref: DR1120-66195, DR1120-66253

In the matter of Brendan Cadam [Applicant/Respondent Landlord] and Amy O'Shaughnessy, Declan Gorman [Respondent/Applicant Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a date of service of 12 November 2020, served by the Applicant/Respondent Landlord on the Respondent/Applicant Tenants, in respect of the tenancy of the dwelling at Aughakilmore, Ballinalee, Co. Longford, N39XW82, is valid.
2. The Respondent/Applicant Tenants and any other persons residing in the dwelling shall vacate and give up possession of the above dwelling on the revised termination date, being a date 9 days after the expiration of the Emergency Period provided for by section 2 of the Residential Tenancies Act 2020, or as extended by order in accordance with the provisions of section 2 of the Residential Tenancies Act 2020, or within 14 days of the date of issue of this Determination Order, whichever is the later.
3. The Respondent/Applicant Tenants shall pay the total sum of €2,330.10 to the Applicant/Respondent Landlord by way of 3 consecutive instalments at the rate of €700.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €230.10 on or before the 28th day of the immediately succeeding month, commencing the next month after the issue of this Determination Order, being rent arrears in respect of the tenancy of the above dwelling.
4. The Respondent/Applicant Tenants shall also pay any further rent outstanding from 19 January 2021, being the date of the paper based Adjudication, at the rate of €700.00 per month, or proportionate part thereof at the rate of €23.01 per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Respondent/Applicant Tenants and any other persons residing therein.
5. The enforcement of this Determination Order for such payment of €2,330.10 will be deferred and the total sum owing will be reduced by the cumulative sum paid in monthly instalments, by the Respondent/Applicant Tenants to the Applicant/Respondent Landlord, on each due date, until such time as the total sum of €2,330.10 has been paid in full.
6. For the avoidance of doubt, any default in the payment of any of the monthly instalments shall act to cancel any further deferral and the balance due at the date of default of any such monthly payment shall immediately become due and owing to the Applicant/Respondent Landlord.

7. The Applicant/Respondent Landlord shall refund the entire of the security deposit of €700.00 to the Respondent/Applicant Tenants, upon the Respondent/Applicant Tenants vacating and giving up possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

8. The Respondent/Applicant Tenants' application regarding breach of landlord obligations, in respect of the tenancy of the above dwelling, is not upheld.

9. The Applicant/Respondent Landlord's application regarding anti-social behaviour by the Respondent/Applicant Tenants, in respect of the tenancy of the above dwelling, is not upheld.

10. The Applicant/Respondent Landlord's application regarding breach of tenant obligations to allow reasonable access to the dwelling for the purpose of carrying out an inspection, in respect of the tenancy of the above dwelling, is not upheld.

This Order was made by the Residential Tenancies Board on 05 May 2021.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director